

GROUP EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KRAFT FOODS GLOBAL, INC., THE)	
KELLOGG COMPANY, GENERAL)	
MILLS, INC., and NESTLÉ USA, INC.,)	
)	
Plaintiffs,)	No. 1:11-cv-08808
)	
v.)	Judge Charles R. Norgle
)	
UNITED EGG PRODUCERS, INC.,)	
UNITED STATES EGG MARKETERS,)	
INC., CAL-MAINE FOODS, INC.,)	
MICHAEL FOODS INC., and ROSE ACRE)	
FARMS, INC.)	
)	
Defendants.)	

JOINT STATUS REPORT

Pursuant to the Court’s Third Amended General Order 20-0012 entered on April 24, 2020 (Dkt. 86), the Parties submit this Joint Status Report.

Plaintiffs claim that Defendants violated Section 1 of the Sherman Act, 15. U.S.C. § 1, by agreeing to limit the production of eggs and thereby illegally to raise the prices that Plaintiffs paid for processed egg products. Defendants deny that they have violated Section 1, that they agreed to limit egg production, and that they have illegally raised prices for eggs or processed egg products.

A. Status Of Discovery

Discovery was completed before this case was remanded from an MDL proceeding pending in the United States District Court for the Eastern District of Pennsylvania, *In re: Processed Egg Products Antitrust Litigation*, MDL No. 2002 (the “Processed Egg Antitrust Litigation”).

B. Status Of Briefing On Any Unresolved Motions

There are no unresolved motions.

C. Settlement

The parties are not presently engaged in settlement efforts.

Plaintiffs' position: Plaintiffs have settled with 8 of the original 13 Defendants. Plaintiff Kellogg Company recently settled with current Defendants Michael Foods, Inc. and Cal-Maine Foods, Inc. Those settling parties have submitted Stipulations of Dismissal (ECF Docket Nos. 21 and 22) and Proposed Orders dismissing Kellogg's claims against Michael Foods and Cal-Maine.

Plaintiffs participated in a formal mediation session in 2013 with Cal-Maine Foods and in a separate formal mediation session in 2013 with other Defendants including current Defendants Michael Foods, Rose Acre Farms, United Egg Producers, and United States Egg Marketers. Plaintiffs had settlement discussions in 2018 and 2019 with Cal-Maine and in 2018 with Michael Foods. Based on these past discussions, Plaintiffs do not believe that settlement negotiations will be fruitful until this case is on the eve of trial.

Defendants refer below to two prior trials in the MDL proceeding. However, Plaintiffs were not involved in those trials, nor were Defendants Michael Foods and Cal-Maine. Both cases are now on appeal in the Third Circuit. Plaintiffs believe they will present a very strong case at trial.

Defendants' position: In December 2019, after a 6-week jury trial in the Eastern District of Pennsylvania of claims brought by 12 grocery store chains concerning the same conspiracy plaintiffs allege here, the jury found "no conspiracy to reduce the supply of eggs," resulting in a complete defense verdict in favor of defendants Rose Acre Farms, UEP, and USEM. Indeed, these plaintiffs could have tried their claims in that EDPA trial. And in 2018, a class of direct purchasers also tried the same conspiracy claims to a jury, and after a 5-week trial, that jury too found in all

defendants' favor. After two multi-week trials and two complete defense verdicts from two separate juries, defendants believe this case can and should be resolved without empaneling a third jury, particularly in these uncertain COVID-19 times. Therefore, defendants are willing to explore whether a reasonable, good-faith settlement could be reached.

D. Proposed Schedule For Next 45 Days

Plaintiffs' position: Plaintiffs request that, as soon as feasible given the current circumstances, the Court enter a scheduling order for preparing this case for trial. Plaintiffs' proposed schedule is as follows:

Oct. 12, 2020 Parties exchange proposed witness lists, exhibit lists, and deposition designations
 Nov. 12, 2020 Parties file motions in limine
 Dec. 11, 2020 Parties file objections to witness lists, exhibit lists, and deposition designations
 Dec. 18, 2020 Parties file counter deposition designations
 Dec. 18, 2020 Parties file responses to motions in limine
 Jan. 13, 2021 Oral argument on motions in limine
 Jan. 18, 2021 Parties file responses to objections to witness lists, exhibit lists, and deposition designations
 Jan. 18, 2021 Parties file objections to counter deposition designations
 Feb. 5, 2021 Parties file proposed voir dire questions, jury instructions, verdict forms, and joint statement of case
 Feb. 12, 2021 Parties exchange drafts of the Final Pretrial Order
 Feb. 26, 2021 Parties submit Final Pretrial Order
 March 2, 2021 Final Pretrial Conference
 Case ready for trial

Defendants' position: Given the provisions of the Chief Judge's Third Amended General Order and the anticipation of an updated General Order on May 26, 2020 that will further inform civil case timelines, it is premature to set a pretrial schedule. Accordingly, Defendants believe that there are no aspects of this case that require a schedule for the next 45 days.

E. Any Agreed Proposed Revised Discovery and Dispositive Motion Schedule

No such schedule is necessary because discovery and dispositive motions have been completed.

F. Any Agreed Action The Court Can Take Without A Hearing

Plaintiffs' position: The only action that needs to be taken is to enter a schedule for preparation of the final pretrial order. That can be done based upon the parties' submissions without the need for a hearing.

Defendants' position: There is no agreed action that the Court can take at this time without a hearing.

G. Whether A Telephonic Hearing Is Necessary And Urgent

Plaintiffs' position: A telephonic status conference would be helpful on the scheduling of the preparation of the final pretrial order, but is not necessary and time urgent.

Defendants' position: Pending the provisions of the Chief Judge's anticipated May 26 Order, a telephonic hearing with the Court is neither necessary nor urgent. Defendants suggest that it might be appropriate to schedule an initial telephonic status conference 50-60 days from now, at which point the Court and the parties may have a better sense of the schedule for reopening the courts and what sort of pretrial schedule might be realistic.

Respectfully Submitted,

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Inc., and United States Egg Marketers, Inc.***

CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2020, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants registered to receive service in this action.

/s/ Patrick Collins

Patrick M. Collins

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KRAFT FOODS GLOBAL, INC., THE)	
KELLOGG COMPANY, GENERAL)	
MILLS, INC., and NESTLÉ USA, INC.,)	
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Plaintiffs,)	No. 1:11-cv-08808
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v.)	Judge Charles R. Norgle
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UNITED EGG PRODUCERS, INC.,)	
UNITED STATES EGG MARKETERS,)	
INC., CAL-MAINE FOODS, INC.,)	
MICHAEL FOODS INC., and ROSE ACRE)	
FARMS, INC.)	
)	
Defendants.)	

JOINT STATUS REPORT

Pursuant to the Court's order entered August 4, 2021, the Parties submit this Joint Status Report.

This action, originally filed in this District, was transferred to the Eastern District of Pennsylvania for coordinated pre-trial proceedings with related actions in an MDL proceeding captioned *In re: Processed Egg Products Antitrust Litigation*, MDL No. 2002. Plaintiffs here claim that Defendants violated Section 1 of the Sherman Act, 15 U.S.C. § 1, by agreeing to limit the production of eggs and thereby illegally raise the prices that Plaintiffs paid for processed egg products. Defendants deny that they have violated Section 1, that they agreed to limit egg production, and that they have illegally raised prices for eggs or processed egg products.

A. Status of Discovery

Discovery was completed before this case was remanded from the MDL proceeding.

B. Pending Motions

There are no pending motions, but there are two pending Stipulations of Dismissal and Proposed Orders awaiting final entry (Dkts. 21, 25). Specifically, Plaintiff Kellogg Company settled with Defendants Michael Foods, Inc. and Cal-Maine Foods, Inc. and submitted the aforementioned Stipulations and Proposed Orders.

C. Settlement

The parties are not presently engaged in settlement efforts.

Plaintiffs' position: Defendants refer below to two prior trials in the MDL proceeding. However, Plaintiffs were not involved in those trials, nor were Defendants Michael Foods and Cal-Maine. Given Defendants' views, as articulated below, Plaintiffs do not believe settlement discussions will be fruitful at this time.

Defendants' position: The MDL proceeding included numerous actions filed by several classes of direct and indirect purchasers, as well as independent direct purchasers, coalescing into three plaintiff groups: Direct Purchaser Class ("DPP"), Indirect Purchaser Class ("IPP") and Direct Action Plaintiffs ("DAP"), respectively. All of these actions involved nearly identical claims. The latest trial involved DAPs that had originally brought their claims in the Eastern District of Pennsylvania. In December 2019, after a 6-week jury trial of claims brought by 12 grocery store chains concerning the same conspiracy plaintiffs allege here, the jury found "no conspiracy to reduce the supply of eggs," resulting in a complete defense verdict in favor of defendants Rose Acre Farms, UEP, and USEM. Indeed, these plaintiffs could have tried their claims in that EDPA trial. The Third Circuit affirmed judgment in favor of the defendants. And in 2018, DPPs also tried the same conspiracy claims to a jury, and after a 6-week trial, that jury too found in all defendants' favor. The Third Circuit affirmed judgment in favor of defendants in that matter as well. After two multi-week trials and two complete defense verdicts from two separate juries,

defendants believe this case can and should be resolved without empaneling a third jury, particularly in these uncertain COVID-19 times. Therefore, defendants are willing to explore whether a reasonable, good-faith settlement could be reached.

D. Proposed Schedule

Pursuant to the Court's August 4, 2021 order, the parties propose the following proposed schedule for preparing the final pretrial order. Plaintiffs expect the jury trial to last approximately four weeks and, based on the previous two trials held in this matter, Defendants expect the jury trial to last approximately six weeks.¹ Given the anticipated length of the trial and the uncertainty of when the Court could schedule a jury trial, the parties propose timing intervals (i.e., days prior to the final pre-trial conference) instead of dates certain. These intervals largely mirror the pre-trial schedule from the DAP trial. Plaintiffs request that depending on the Court's availability the trial commence in or around April, 2022. Counsel for certain Defendants have conflicts in April 2022 and request that the Court work with the parties to find available trial dates based on the Court's and parties' schedules. Additionally, given the size and complexity of the matter to be tried, the parties request that the final pre-trial conference occur no later than 30 days before trial.

	Days before final pre-trial conference
Proposed witness and exhibit lists and deposition designations	132
Objections to witness and exhibit lists and deposition designations	90
Motions <i>in limine</i>	76

¹ Both the DPP and DAP trials were bifurcated between liability and damages. Because the jury in each case rendered a verdict for the defendants in the liability phase, the damages phase was never reached. The DPP trial began on May 2, 2018 and the jury reached a verdict on June 14. The DAP trial began on October 31, 2019 and the jury reached a verdict on December 12, 2019. The IPP action was dismissed before ever reaching trial.

Submission of <i>Santiago</i> proffer	76
Exchange counter-designations	69
Objections to counter-designations	62
Responses to objection to witness list, exhibit list and deposition designation	62
Response to <i>Santiago</i> proffer	55
Responses to motions <i>in limine</i>	55
Oral argument on motions <i>in limine</i>	42
Oral argument on <i>Santiago</i> proffer	42
Proposed jury instructions, verdict form, voir dire questions and joint statement of the case	21
Exchange drafts of Pre-trial Order	21
Final Pre-trial Order	7
Final pre-trial conference	X

The parties look forward to discussing these issues with the Court at the status hearing on Monday, August 30, 2021, at 10:00 a.m.

August 25, 2021

Respectfully submitted,

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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KRAFT FOODS GLOBAL, INC., THE)	
KELLOGG COMPANY, GENERAL)	
MILLS, INC., and NESTLÉ USA, INC.,)	
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Plaintiffs,)	No. 1:11-cv-08808
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v.)	Judge Charles R. Norgle
)	
UNITED EGG PRODUCERS, INC.,)	
UNITED STATES EGG MARKETERS,)	
INC., CAL-MAINE FOODS, INC.,)	
MICHAEL FOODS INC., and ROSE ACRE)	
FARMS, INC.)	
)	
Defendants.)	

**ORDER AMENDING PRETRIAL SCHEDULE
AND SETTING TRIAL DATES**

The Joint Motion to Amend Pretrial Schedule and Set Trial Dates [137] is GRANTED, and the Court ORDERS as follows:

1. The Parties shall file a Final Pretrial Order pursuant to the Federal Rules of Civil Procedure to include a set of proposed jury instructions and verdict forms on September 28, 2022 pursuant to the following schedule:

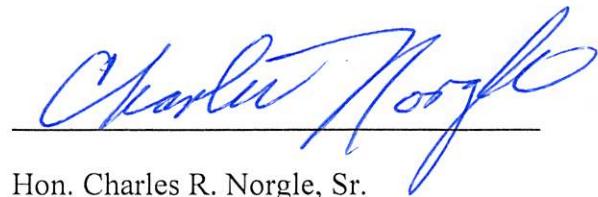
Pretrial Order Scheduling	
Parties exchange proposed witness and exhibit lists, as well as deposition designations	July 22, 2022 (approx. 95 days before trial)

Parties exchange objections to witness and exhibit lists, and objections to deposition designations	Aug. 5, 2022 (approx. 80 days before trial)
Parties exchange counter-designations	Aug. 5, 2022 (approx.. 80 days before trial)
Parties exchange objections to counter-designations	Aug. 16, 2022 (approx. 70 days before trial)
Parties exchange drafts of pretrial order	Sep. 14, 2022 (approx. 40 days before trial)
Parties exchange proposed jury instructions, verdict form, and proposed statement of the case	Sep. 14, 2022 (approx. 40 days before trial)
Parties file pretrial order and proposed jury instructions	Sept. 28, 2022 (approx. 25 days before trial)
Motions in Limine Scheduling	
Plaintiffs file <i>Santiago</i> proffer; Parties file motions <i>in limine</i>	Aug. 26, 2022 (approx. 60 days before trial)
Parties file responses to <i>Santiago</i> proffer and motions <i>in limine</i>	Sep. 16, 2022 (approx. 40 days before trial)
Oral argument on pretrial order	Sep. 29, 2022 (approx. 25 days before trial)

2. This case is set for trial to commence on October 24, 2022.

SO ORDERED:

Dated: _____

Hon. Charles R. Norgle, Sr.
United States District Judge